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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

SURINAME

1. The Committee considered the initial report of Suriname (CRC/C/28/Add.11), submitted on 13 February 1998, at its 635th to 636th meetings (see CRC/C/SR.635-636), held on 29 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q/SUR/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the dialogue it had with the State party and acknowledges that the presence of a delegation involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee notes the State party's efforts through the enactment of legislation to facilitate the implementation of the Convention. In particular, the Committee notes the enactment of new legislation in January 2000 which eliminates discrimination against children born out of wedlock, including with respect to their inheritance rights.

4. The Committee welcomes the establishment of the Steering Committee on Youth (1997) which is mandated to advise the Government on children's issues.

5. The Committee welcomes the National Youth Council which was installed in November 1999. It welcomes the efforts made to involve children at the local level through the hosting of youth congresses in all districts of the country as well as a national youth congress. The Committee also notes with appreciation the commitment of the State party to allocate adequate resources for the effective functioning of the National Youth Institute, the agency through which the National Youth Council operates.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee notes the challenges faced by the State party in implementing adequate programmes and services for children living in communities in the interior which are in many instances isolated and very difficult to reach. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration and the brain drain, also adversely affects the full implementation of the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

7. The Committee notes that the State party has undertaken a study to determine the consistency of its legislation with the Convention. While the Committee notes the recent efforts by the State party to enact legislation to ensure greater consistency with the Convention, it is concerned that legislation still does not fully reflect the principles and provisions of the Convention. Concern is expressed that the additional draft legislation to facilitate the implementation of the Convention has not yet been adopted by the National Assembly.

8. The Committee recommends that the State party take all appropriate measures to ensure that its laws conform to the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children. The State party is encouraged to take all appropriate

measures to adopt, at the earliest opportunity, the additional draft legislation. The Committee recommends that the State party seek technical assistance from OHCHR, among others.

Coordination

9. The Committee notes with concern that the State party has dissolved the National Commission on the Rights of the Child, established in 1995 to prepare the State party's report, to coordinate and monitor the implementation of the Convention, and to draw up a national plan of action for children. While it is noted that a Steering Committee on Youth has been appointed to advise the Government on issues concerning children, there are concerns that it does not have as wide a mandate as the National Commission had and that it lacks adequate financial and human resources to implement its mandate. The Committee is also concerned that there continues to be no effective mechanism to facilitate the coordination and systematic implementation of the Convention and to monitor the progress achieved in this regard.

10. The Committee recommends that the State party take all appropriate measures to strengthen coordination, including at the local level and with NGOs, and to monitor progress of the implementation of the Convention through the expansion of an existing governmental mechanism or the establishment of a new one with adequate powers, functions and resources. The Committee recommends that the State party strengthen the Steering Committee on Youth by, inter alia, allocating adequate financial and human resources.

Data collection

11. The Committees notes the initiatives undertaken by the State party in 1999 to improve data collection, including the implementation of a national women and children survey; the establishment of a Child Indicators Monitoring System coordinated by the Central Bureau for Statistics, which will periodically generate reliable data regarding children; and the announcement of a census in 2000 after 20 years. The Committee remains concerned, however, at the lack of an adequate data collection mechanism within the State party to permit the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

12. The Committee recommends that the State party intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in the interior of the country, especially those belonging to Amerindian and Maroon communities; children with disabilities; children living in poverty; children in conflict with the law; children of single-parent families; sexually abused children; and children living and/or working on the streets. In this context, the Committee recommends that the State party seek technical assistance from the United Nations Population Fund (UNFPA) and UNICEF, among others.

Independent monitoring structures

13. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. In this regard, the Committee expresses its regret that the National Institution for Human Rights was terminated and that the proposed Constitutional Court, which was supposed to replace it, was never established.

14. The Committee recommends that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awarenes-raising campaign to facilitate the effective use by children of this mechanism.

Allocation of budgetary resources

15. While it is noted that the State party supports the 20/20 Initiative which stipulates that 20 per cent of the national budget and international cooperation should be dedicated to children's programmes, the Committee is concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and district levels, in favour of children "to the maximum extent of ... available resources".

16. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to the implementation of the economic, social and cultural rights of children, to the maximum extent of available resources including, where needed, international cooperation. In allocating resources, the State party should pay particular attention to districts in the interior and seek to end the inequalities in service provision in these parts of the country.

Dissemination of the Convention

17. While the Committee notes the initiatives by the State party to promote awareness of the principles and provisions of the Convention, it is concerned that professional groups, children, parents, and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

18. The Committee recommends greater efforts to make the provisions of the Convention widely known and understood by adults and children alike. In this regard, the Committee recommends adequate and systematic training and/or sensitization of professional groups working with and for children such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers and personnel of child-care institutions. The Committee recommends that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. The State party is encouraged to translate the Convention into local languages and to promote its principles through,

inter alia, the use of traditional methods of communication. In this regard, the Committee further suggests that the State party seek technical assistance from OHCHR and UNICEF, among others.

2. Definition of the child

Criminal responsibility

19. The Committee expresses concern regarding the low legal age of criminal responsibility (10 years).

20. The Committee recommends that the State party raise the legal age of criminal responsibility to a more internationally acceptable age by amending its legislation in this regard.

Legal minimum age for marriage

21. The Committee expresses concern at the low legal minimum age for marriage of girls - 15 years under the Civil Code and 13 years under the Asian Marriage Act. In this regard, the Committee notes with concern the practice of early and forced marriages which affects mostly girls, particularly those living in the interior. The Committee is also concerned about the low legal minimum age for marriage of boys (15 years) under the Asian Marriage Act. The Committee is further concerned about the disparity between the ages for boys and girls.

22. The Committee recommends that the State party review its legislation relating to the legal ages for marriage to bring them into conformity with the provisions of the Convention and to eliminate discrimination. It is recommended that the State party take all appropriate measures to raise awareness about the harmful effects of early and forced marriages, particularly on girls.

Legal age of compulsory education/legal minimum age for employment

23. The Committee notes that education is compulsory for children between the ages of 7 and 12 years and that the legal minimum age for employment is 14 years. The Committee is concerned that insufficient legal and other measures have been taken to protect adequately the rights of children between the ages of 12 and 14 years, who are beyond the age of compulsory education but too young to be legally employed.

24. The Committee recommends that the State party raise the legal maximum age of compulsory education from 12 to at least 14 years to protect the rights of those children between the ages of 12 and 14 years, who are beyond the age of compulsory education but too young to be legally employed.

3. General principles

Non-discrimination

25. The Committee notes with concern that the principle of non-discrimination is not adequately respected with regard to certain vulnerable groups of children, including children living in the interior, especially girls; children living in institutions; children with disabilities; children of single-parent families; children living in poor urban communities, especially boys; children in conflict with the law; children living and/or working on the streets; child victims of abuse; and children belonging to indigenous and minority groups. The Committee is particularly concerned about their limited access to adequate health, education and other social services.

26. The Committee recommends that the State party increase its efforts to ensure the implementation of laws, policies and programmes guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

Best interests of the child

27. The Committee is concerned that the general principle of the best interests of the child (art. 3) has not been taken fully into account in the State party's legislative, administrative and judicial decisions, as well as in policies and programmes relevant to children.

28. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

29. While the Committee notes that the views of children over 12 may be heard in cases of adoption and that a bill has been prepared to apply the same rule in cases of custody and visitation after divorce, it is concerned about the limited scope of the bill and that the full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which consider children who express their views and opinions as "impudent" and "impertinent".

30. The Committee recommends that the State party review and expand the scope of the bill providing for the opinion of children to be heard in custody and visitation rights cases; develop a systematic approach to increasing public awareness of the participatory rights of children; and encourage respect for the views of the child within the family, communities, schools, and in the care, administrative and judicial systems.

4. Civil rights and freedoms

Birth registration

31. While the Committee notes that the law provides for the registration of children at birth, it is concerned that children, particularly those belonging to communities in the interior of the country, are still not registered.

32. In light of articles 7 and 8 of the Convention, the Committee recommends that the State party take appropriate measures, including awareness-raising among government officers, community and religious leaders and parents themselves, to ensure that all children are registered at birth.

Police brutality

33. The Committee is concerned about the incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity.

34. The Committee recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee further recommends that greater efforts be made to prevent police brutality and ensure that child victims are provided with adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.

5. Family environment and alternative care

Protection of children deprived of a family environment

35. The Committee notes that the State party has submitted to the National Assembly a bill regulating all types of child-care facilities, but it remains concerned that the State party has not yet established and implemented a code of standards for alternative care institutions for children. The Committee also expresses concern regarding the lack of facilities and services for girls deprived of a family environment; the absence of an independent complaint mechanism for children in alternative care institutions; the inadequate review of their placement in institutions; and the lack of available trained personnel in this field.

36. The Committee recommends that the State party expedite as much as possible the passing of the bill mentioned in paragraph 30 above and establish a code of standards to ensure adequate care and protection of children deprived of a family environment. It further recommends that the State party provide additional training, including in children's rights, for social and welfare workers; ensure that placements in institutions are periodically reviewed; and establish an independent complaint mechanism for children in alternative care institutions.

Foster care

37. While the Committee notes that the State party has instituted a foster care programme, it is concerned at the insufficient monitoring and follow-up of placements in the programme and the widespread use of the programme as a "first step" in the intercountry adoption process rather than as a domestic fostering programme. Concern is also expressed at the unregulated nature of the practice of the "kweekjes system" which allows parents facing economic difficulties to give up their children to another family or person who may be in a better financial situation to care for the child.

38. The Committee recommends that the State party take measures to ensure the effective monitoring and follow-up of placements in the foster care programme; introduce programmes to raise awareness and promote foster care; and take measures to regulate the "kweekjes system" in order to ensure that the best interests of the children concerned are taken into account. Additionally, the Committee encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse/neglect/maltreatment/violence

39. While the Committee notes that the State party has appointed a committee to review legislation on sexual offences and make recommendations for improvements in this regard, it is concerned about the high and increasing incidence of sexual abuse of children, including within the family. The Committee also expresses concern at the lack of awareness and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated, as well as the lack of adequate programmes to prevent and combat all forms of abuse against children.

40. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) with a view to adopting adequate policy measures and changing traditional attitudes. The Committee recommends that all appropriate measures be taken to introduce mandatory reporting of abuse, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-friendly judicial procedure and sanctions imposed on perpetrators, including treatment, with due regard given to protecting the right to privacy of the child. Measures should also be taken for the physical and psychological recovery and social reintegration of victims in accordance with article 39 of the Convention, and to prevent the criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from UNICEF, among others.

Corporal punishment

41. While the Committee notes that corporal punishment is prohibited in schools, it is concerned that it continues to be used in schools, families and care institutions.

42. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and care institutions. The Committee encourages the State party to intensify its public-awareness campaigns to promote positive, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

6. Basic health and welfare

Right to health and access to health services

43. The Committee notes with concern the health situation of children, especially those living in the interior. In particular, it notes their limited access to basic health care; the insufficient number of trained medical personnel; the high incidence of malaria; high maternal, child and infant mortality rates, including suicides and accidents; inadequate breastfeeding and weaning practices; high rates of malnutrition; and poor sanitation and limited access to safe drinking water, especially in rural areas.

44. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, especially those living in the interior; facilitate greater access to primary health services; increase the number of trained medical and other health personnel; take steps to reduce the incidence of maternal, child and infant mortality; promote healthier breastfeeding and weaning practices; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; increase access to safe drinking water and sanitation; and reduce the incidence of malaria. It is recommended that the State party undertake a study on suicides and accidents involving children with the view to understanding their nature and scope and implementing appropriate preventative policies and measures. Additionally, the Committee encourages the State party to consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from UNICEF and WHO, among others.

Adolescent health

45. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including on accidents, violence, suicides, mental health, teenage pregnancy, abortion, HIV/AIDS and STDs.

46. The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services and in strengthening reproductive health education, including the promotion of contraceptive use by men. The Committee further suggests that a comprehensive multidisciplinary study be undertaken to improve understanding of the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party take further measures, including the allocation of adequate human and financial resources, to increase the number of social workers and psychologists and to develop youth-friendly care, counselling and rehabilitation facilities

for adolescents. The State party is encouraged to reinforce its efforts in implementing the Caribbean Regional Health and Family Life Education Programme for adolescents by, inter alia, allocating adequate financial and human resources. It is further recommended that the State party seek technical assistance from UNICEF and WHO, among others.

Children with disabilities

47. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. While the Committee notes the efforts of the National Advisory Board for the Policy on Persons with Disabilities, in collaboration with the Government, to elaborate relevant policy and legislation to guarantee and facilitate the social integration of persons with disabilities, it is concerned that insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and generally within society.

48. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), it is recommended that the State party reinforce its efforts to develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. Additionally, the Committee recommends that the State party undertake an awareness-raising campaign to sensitize the public about the rights and special needs of children with disabilities as well as children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

Right to an adequate standard of living

49. The Committee notes with concern the increasingly high number of children living in households below the poverty line. The Committee is also concerned about the poor housing situation and living standards of families who fled their homes in the interior during the civil unrest of the 1980s and are currently living in urban squatter communities. Concern is also expressed at the large and increasing number of children living and/or working on the streets.

50. In accordance with article 27 of the Convention, the Committee recommends that the State party increase its efforts to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. The Committee further recommends that the State party establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided with adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; and education, including vocational and life-skills training. The Committee recommends that the State party cooperate and coordinate its efforts with civil society in this regard.

7. Education, leisure and cultural activities

Right to and aims of education

51. The Committee notes the efforts of the State party within the school environment, including the establishment of a school nutrition programme, the introduction of school transportation in some regions of the country, the implementation of a programme that provides allowances for the rental of books and subsidies for school uniforms and other relevant learning materials for economically disadvantaged children; the establishment of a programme that allows teenage mothers to continue their education; and the decision to host a National Education Congress in December 2000. The Committee remains concerned, however, about the situation of education, particularly in the interior. In this regard, the Committee notes that there are still limited access to education, high drop-out and repetition rates, insufficient numbers of trained teachers actually in the classroom, insufficient schools and classrooms, and a general lack of relevant learning material. The Committee notes with concern that the budgetary allocations for education have been progressively reduced during the past decade. The insufficient efforts made by the State party to incorporate the use of local languages into the educational curriculum is also a matter of concern for the Committee.

52. The Committee recommends that the State party take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation of education and ensure that all children enjoy the right to education. It is further recommended that all appropriate measures be taken to increase access to education, especially as regards children living in the interior, and to encourage trained teachers to stay in teaching. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially girls in the interior and boys in urban communities, to stay in school, particularly during the period of compulsory education. The Committee encourages the State party to reinforce its efforts to include the use of traditional languages in the school curricula. The State party is encouraged to follow through with its proposal to host a National Education Congress to improve the overall situation of education in all regions of the country, and in this context, the Congress is strongly encouraged to include the general principles of the Convention, as well as articles 28, 29 and 31, in its discussions and recommendations to the State party. It is recommended that the State party encourage child participation within the school environment, including in disciplinary matters. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

8. Special protection measures

Economic exploitation

53. In light of the current economic situation, the increasing number of school drop-outs and the increasing number of children living and/or working on the streets, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation within the State party.

54. The Committee encourages the State party to introduce monitoring mechanisms to ensure that the labour laws are enforced and to protect children from economic exploitation, particularly in the informal sector. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee encourages the State party to consider ratifying the ILO Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182).

Drug abuse

55. The Committee is concerned with the high incidence of drug, alcohol and substance abuse among youth and the limited psychological, social and medical programmes and services available in this regard.

56. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing with child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from UNICEF, WHO and the United Nations International Narcotics Control Board, among others.

Sexual exploitation and sexual abuse

57. The Committee expresses its concern about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography, involving both boys and girls. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

58. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to understanding the scope of the problem and implementing appropriate policies and measures, including the physical and psychological recovery and social reintegration of victims. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

Administration of juvenile justice

59. The Committee expresses concern at:

(a) The inefficiency and ineffectiveness of the administration of juvenile justice system and in particular its incompatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of pre-trial detention;

(c) The holding of minors in adult detention facilities; the poor conditions in detention facilities; the lack of adequate facilities for children in conflict with the law, especially girls; the limited numbers of trained personnel to work with children in this regard; and the lack of a complaint mechanism for children whose rights have been violated.

60. The Committee, while noting the completion of a study on juvenile justice, recommends that the State party:

(a) Take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; improve the conditions in detention facilities; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice;

(d) Consider seeking technical assistance from OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice, among others.

9. Dissemination of reports

61. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.